

UNITED STATES of AMERICA
DEPARTMENT of THE INTERIOR
MINERALS MANAGEMENT SERVICE

Public Comments from the
Public Comment Meeting for the
Draft Programmatic Environmental Impact Statement
for Alternative Energy Development and
Alternative Use of existing Facilities on the
Outer Continental Shelf

Tuesday, May 1, 2007

The Presidio of San Francisco
Golden Gate Club, Prince Room
135 Fisher Loop
San Francisco, California 94129

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P-R-O-C-E-E-D-I-N-G-S

(7:35 p.m.)

MR. MOORE: Thank you, Maurice.

I'm glad that John turned the lights on. I was going to ask if people would like to have the lights on, and it was pretty obvious that he beat me to it. I think that makes the room a little more comfortable. And for those of you taking notes, you'll be able to see what you're writing.

What we're really here for is to receive your comments on the adequacy of the Draft Programmatic Environmental Impact Statement. And there are several ways that you can provide those comments: Obviously at this hearing is one of those ways, either verbally or in writing. When you registered you received a comment form.

And you can write your comments on that form while you're sitting here listening to things and thinking about it, or you can take the comment form home with you and fill it out and send it in later. You can use the address on the comment form to send in much more than just what that form itself will hold. If you have materials that you believe will be useful in improving the quality of the document, why, be sure to send those as well. We'd like to have whatever we

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1 can get.

2 You've heard about our website:
3 ocs.energy.anl.gov. If you have not visited that
4 website, please do so. And it is another way that you
5 can submit comments. Fill out a comment form on the
6 website. And, as I mentioned, you can do it in
7 writing either here or later on.

8 This repeats what I just said. [Referring
9 to the information on the screen.] You fill out the
10 comment form, submit written comments. If you fill
11 out a form tonight you can give it to any one of us
12 wearing a name tag, and we'll make sure that they get
13 factored into the right part of the process. Or you
14 can mail them after you get home or go to the website.

15 As far as the hearing itself today is
16 concerned, for oral comments we had asked when you
17 registered if you wanted to speak tonight, if you
18 indicated you did, I have a registration card. And
19 I'll use that to call people one at a time up to
20 speak.

21 If you decide you want to speak and have
22 not filled out a registration form indicating that if
23 you wanted to speak, you can do so, or you can just
24 let me know later. Really not that formal. And what
25 we're most interested in is receiving your comments.

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1 If you want to speak, we want to give you that
2 opportunity.

3 When you do come up to speak, please use
4 the podium over here, and state your name and
5 affiliation. We have a default three-minute time. So
6 far we have four speakers signed up. It's early in
7 the evening, so I'm not going to be too harsh on the
8 three-minute time.

9 And do, please, limit your comments to the
10 -- if you can -- to the scope of the programmatic EIS.
11 Many of you are aware that we're doing several, that
12 MMS is currently looking at other project-specific
13 activities, and we're not here to receive comments on
14 individual projects but, rather, on the Programmatic
15 Environmental Impact Statement that Maurice discussed.

16 And if you have prepared remarks, please
17 leave those with us if you can. Copies of them. We'd
18 appreciate it. Those and anything else that you'd
19 like to submit for the record. We're interested in
20 all the comments we can get to improve the quality of
21 the document.

22 I'm going to call the speakers in the
23 order that they registered, and the first speaker is
24 Richard Charter. Please state your name and your
25 organization when you come up.

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1 MR. CHARTER: Thank you. My name is
2 Richard Charter and I'm speaking today on behalf of
3 Defenders of Wildlife, whose nearly half million
4 members and supporters nationwide and more than
5 100,000 California members and supporters are deeply
6 involved in marine conservation efforts, including the
7 protection of sensitive wildlife and fragile ocean
8 habitats.

9 While we are supportive of truly renewable
10 energy strategies with careful site selection and
11 appropriate mitigations to protect the environment,
12 some of America's most sensitive coastal waters will
13 inevitably be affected by the construction of major
14 alternative energy facilities and by commercial
15 aquaculture installations on the federal Outer
16 Continental Shelf that may be converted from current
17 oil and gas platforms. I'm going to focus my remarks
18 this evening orally on the Alternate Uses Provision,
19 but I have covered the Alternate Energy part in my
20 written comments.

21 Statements in the MMS Programmatic
22 Environmental Impact Statement can only lead one to
23 conclude that the agency is anticipating the
24 unauthorized issuance of a proposed rulemaking that
25 would establish the first national program for the

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1 permitting and regulation of fish farming, or
2 aquaculture, in federal waters and a rule that would
3 allow oil companies to abandon old, disused platforms
4 at sea instead of requiring the operators to remove
5 them as currently mandated by federal law and by the
6 contractual obligations incurred voluntarily by the
7 lessees at the time such leases were issued.

8 These are proposals that lie outside the
9 authority delegated to MMS to regulate only authorized
10 activities, a legislative restriction clearly placed
11 on MMS pursuant to Section 388 of the Energy Policy
12 Act of 2005.

13 Any such fiscal incentives to oil
14 companies would inappropriately promote new offshore
15 oil and gas leases in remote and fragile frontier OCS
16 regions by diminishing the lifecycle cost of
17 hydrocarbon operations through MMS' arbitrary
18 forgiveness of legitimate rig decommissioning costs
19 and thus unduly put at risk sensitive fisheries,
20 wildlife, local economies, indigenous communities
21 particularly in Alaskan waters.

22 Here in California the public clearly
23 remembers the solemn commitments made by the Interior
24 Department and the lessees when the present offshore
25 rigs were put in place, accompanied by assurances that

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1 the companies would remove the rigs and restore the
2 seafloor to as near prelease condition as possible
3 once production was terminated.

4 Putting aquaculture operations on top of
5 seafloor mounds of spent-drilling muds containing
6 mercury, cadmium, lead, and a host of toxic and
7 mutagenic-hydrocarbon pollutants would be
8 counterintuitive at best.

9 Thank you for this opportunity to present
10 testimony on behalf of Defenders of Wildlife.

11 MR. HILL: Thank you.

12 MR. MOORE: Thank you, Mr. Charter.

13 The next speaker is Tom [sic] Eichenberg.

14 MR. EICHENBERG: Hello. My name is Tim
15 Eichenberg and I'm with the Ocean Conservancy here in
16 San Francisco. We have -- our headquarters are in
17 Washington, D.C., but we have a regional office out
18 here in San Francisco.

19 I'm here to echo the comments of my
20 colleague, Richard Charter. I'm not here to focus on
21 the Alternative Energy provisions. I'm here to talk
22 about the offshore aquaculture as part of Section 388,
23 Provisions for Energy Related or Other Authorized
24 Marine Related Purposes.

25 And we're concerned that this section

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1 would allow oil companies to avoid billions of dollars
2 in legal obligations to remove the existing Outer
3 Continental Shelf structures by operating fish farms
4 on those structures.

5 You asked for issues of concern,
6 mitigation and monitoring measures, and new data in
7 your Request for Information here, and I'd like to
8 focus on those.

9 The issue of concern to us is marine fin-
10 fish aquaculture. Although you do say you're not
11 seeking new authority over activities such as
12 aquaculture, only the authority to allow the platforms
13 to be converted to fish farms, the federal government
14 is proposing a fivefold increase in aquaculture
15 production over the next 15 to 20 years. And the EIS
16 admits that there is a lack of clear federal
17 regulatory authority over aquaculture right now, so
18 you would be the default agency making those rules and
19 regulations.

20 Numerous studies that you do not cite in
21 your EIS and three recent national ocean commissions
22 have recognized that federal standards are inadequate
23 to address many of the significant impacts from
24 offshore aquaculture. I would urge you to put those
25 into your -- into your EIS, and I will submit written

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1 comments which would list those resources and sources
2 for you.

3 California enacted the most comprehensive
4 fish-farming standards in the nation last year: SB
5 201. And we do not want to see these efforts
6 frustrated and undermined by fish farms 3.1 miles off
7 our shore that would undermine the regulations that
8 we've adopted here in California.

9 The Programmatic Environmental Impact
10 Statement fails to adequately address and mitigate
11 many of the potentially significant adverse impacts
12 from fish farms, from the escape of wild species and
13 the competition with wild -- escape of farm species,
14 excuse me, in competition with wildstocks; discharge
15 of pollutants, and the use of drugs and chemicals; the
16 ecosystem impacts of using fishmeal and fish oils; the
17 socioeconomic impacts on fisheries and fishing
18 communities from fish farms; the spread of disease and
19 parasites from farms; the use of nonnative and
20 genetically-modified species; the lack of best-
21 management practices to ensure that there's regular
22 monitoring, reporting, site inspections, baseline
23 assessments, stocking densities, root-stock controls,
24 and volume of production on each of these facilities;
25 and the lack of responsibility for damages, emergency

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1 response, and abandonment of these facilities once
2 they're done.

3 In conclusion, we do not believe that the
4 2005 Energy Act should authorize the Minerals
5 Management Service to overturn the current federal
6 requirements for oil companies to remove their
7 platforms after they cease energy operations. And we
8 urge the Minerals Management Service to
9 comprehensively address all the impacts that I
10 mentioned and others of ocean fish farming in the
11 Programmatic Environmental Impact Statement.

12 Thank you.

13 MR. HILL: Thank you, Tim.

14 MR. MOORE: Thank you, Tim. Sorry I got
15 your name wrong the first time.

16 Our next speaker is Aaron Rachlin.

17 MR. RACHLIN: Rachlin.

18 MR. MOORE: Rachlin. Thank you.

19 MR. RACHLIN: Good evening. Hi. My
20 name's Aaron Rachlin and I'm from Borderland Wind here
21 in California. And I just wanted to make some very
22 brief comments expressing my thanks and support for
23 the overall premise of using our Outer Continental
24 Shelf waters to develop alternative energies and
25 promote them.

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1 As we know and as Maurice mentioned,
2 energy diversity and the use of renewable resources is
3 an idea whose time has come. So it's good that we're
4 moving in that direction.

5 And I just wanted to echo the thoughts of
6 Richard about careful site selection and mitigation
7 measures that certainly should be addressed in all
8 types of development offshore; and the best use, if
9 any, of the existing platforms that are out there. So
10 I just wanted to echo those thoughts. And keep up the
11 good work. Thank you very much.

12 MR. HILL: Thanks, Aaron.

13 MR. MOORE: Thank you.

14 We have one more person who has signed up
15 to speak, Kate Wing.

16 MS. WING: Thank you very much. My name
17 is Kate Wing. I'm with the Natural Resources Defense
18 Council based here in San Francisco. At least that's
19 where I am and I work specifically on the Oceans
20 Program, but as a large -- as an environmental
21 organization with a large array of issues under our
22 purview, we look at everything from global warming to
23 ocean conservation and animal and wildlife issues in
24 between.

25 We're interested in pretty much every

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1 aspect of this Programmatic EIS, so we will certainly
2 be submitting more detailed comments to you after
3 we've had a chance to give it a more thorough review.
4 And we did submit scoping comments to you in the
5 earlier part of the process. And we appreciate your
6 openness.

7 And I would also take this opportunity to
8 compliment you on the website, which I think is a
9 pretty marvelously-impressive website for a government
10 agency doing a PEIS. It's something that even
11 undergraduate students can find their way around, as
12 they have commented on. So congrats to you guys for
13 being able to make a useful website as a government
14 agency.

15 In particular, our concern about this
16 Programmatic EIS and what we hope it will do is
17 provide a framework for looking at cumulative impacts
18 not only for alternative energy and for some of these
19 alternative uses, but provide the beginnings of a
20 regulatory framework for looking at cumulative impacts
21 for a variety of possible upcoming uses on the Outer
22 Continental Shelf.

23 As you mentioned, there are these
24 possibilities of converting these outdated rigs to
25 aquaculture farms, as my previous friends at the Ocean

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1 Conservancy and Defenders of Wildlife have commented
2 on, but there's also the possibility of there being
3 offshore fish farming in other locations. And until
4 we have a comprehensive national policy in place, this
5 PEIS will be sort of the de facto rule on citing those
6 uses.

7 And I think until we have a national
8 policy about how we are going to govern our oceans
9 from 3 to 200 miles, this PEIS is really going to be
10 the first step into the fray about how we stick things
11 in that area of our oceans, be they for energy or for
12 the production of food or for whatever other uses may
13 be coming our way.

14 So we're particularly interested in the
15 ability of this PEIS to serve as a framework to look
16 at cumulative impacts in federal waters as well as in
17 state waters, too. The ability of this permit process
18 to be consistent with state coastal plans, with other
19 state coastal management regulations.

20 And particularly when you look at those
21 maps of where are the ideal areas to place wave and
22 alternative energy areas, once you look at a
23 commercial-scale operation for wave- and tidal-energy,
24 you're often looking at an area that would span the
25 100-foot -- you know, the 100-fathom line. You're

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1 looking at areas that are then going to span federal
2 and state waters at the same time, because that's just
3 where that depth range happens to fall. However
4 inconveniently, it seems to fall right on the three-
5 mile line for a lot of the West Coast.

6 So it is important that there is a very
7 significant amount of coordination between the federal
8 and state agencies, and also between MMS and FERC as
9 these processes go forward. And that's certainly
10 going to be one of the main things that we're looking
11 to see in the PEIS, is exactly how that's going to go
12 forward, how those agencies are going to work
13 together, and how there's going to be a transparent
14 process that the public can participate in.

15 Thank you.

16 MR. HILL: Thank you, Kate.

17 And I should say thanks for the website
18 should also go to Argonne National Lab for putting
19 that together.

20 MR. MOORE: Thank you very much.

21 Do we have anyone else who would like to
22 speak at this time?

23 Wonderful opportunity. Got all this A/V
24 equipment, court reporter. What a deal.

25 Okay. If you would prefer to submit your

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1 comments later in writing, we would appreciate
2 receiving them. We certainly appreciate the comments
3 we received here tonight. They're very much on
4 target. They're very helpful, very useful, and we're
5 glad to have them. And it looks like we have to get
6 the owner of this computer up here to unlock it.
7 Right on schedule.

8 The session is over.

9 MR. HILL: Yes. And on behalf of Minerals
10 Management Service I would really like to thank
11 everybody for coming tonight. And I appreciate your
12 comments. And the MMS people will be here for a while
13 if you would like to talk to us or have any questions.

14 (The meeting was adjourned at 7:53 p.m.)
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